

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KENTRELL D. WELCH,

Plaintiff

Case No. 2:19-cv-01064-GMN-BNW

ORDER

v.

MICHAEL MINEV et al.,

Defendants

I. DISCUSSION

Plaintiff has filed a motion to amend (ECF No. 23), a motion for clarification (ECF No. 25), a motion for appointment of counsel (ECF No. 26), and a motion to exclude case from mediation (ECF No. 27). Defendant has filed a motion to extend stay for settlement purposes for 90 days (ECF No. 29).

The Court grants Plaintiff's motion for clarification to "disregard" the motion to amend (ECF No. 25). As such, the motion to amend (ECF No. 23) is denied as moot. The Court also denies the motion to exclude case from mediation (ECF No. 27). The Court grants in part the motion to extend the stay (ECF No. 29) and extends the stay until three days after the yet-to-be scheduled inmate early mediation conference.

The Court also denies the motion for appointment of counsel (ECF No. 26) without prejudice at this time. A litigant does not have a constitutional right to appointed counsel in 42 U.S.C. § 1983 civil rights claims. *Storseth v. Spellman*, 654 F.2d 1349, 1353 (9th Cir. 1981). Pursuant to 28 U.S.C. § 1915(e)(1), "[t]he court may request an attorney to represent any person unable to afford counsel." However, the court will appoint counsel for indigent civil litigants only in "exceptional circumstances." *Palmer v. Valdez*, 560 F.3d 965, 970 (9th Cir. 2009) (§ 1983 action). "When determining whether 'exceptional circumstances' exist, a court must consider 'the likelihood of success on the merits as well as the ability of the petitioner to articulate his claims *pro se* in light of the complexity of the legal issues involved.'" *Id.* "Neither of these considerations is dispositive and

1 instead must be viewed together.” *Id.* In the instant case, the Court does not find
2 exceptional circumstances that warrant the appointment of counsel at this time. The Court
3 notes that Plaintiff has filed multiple motions on his own and has stated a colorable claim
4 on his own.

5 **II. CONCLUSION**

6 For the foregoing reasons, it is ordered that the motion to amend (ECF No. 23) is
7 denied as moot.

8 It is further ordered that the motion for clarification (ECF No. 25) is granted.

9 It is further ordered that the motion for appointment of counsel (ECF No. 26) is
10 denied without prejudice.

11 It is further ordered that the motion to exclude case from mediation (ECF No. 27)
12 is denied.

13 It is further ordered that the motion to extend stay (ECF No. 29) is granted in part.
14 The stay is extended until three days after the inmate early mediation conference. The
15 Office of the Nevada Attorney General will file a status report on or before that date.

16 It is further ordered that this case is referred to the Court’s Inmate Early Mediation
17 Program for immediate scheduling.

18 DATED THIS 22nd day of September 2020.

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20 UNITED STATES MAGISTRATE JUDGE
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